

## CRIMINAL COMPLAINT

ORIGINAL

UNITED STATES DISTRICT COURT		CENTRAL DISTRICT OF CALIFORNIA	
UNITED STATES OF AMERICA		DOCKET NO.	
PATRICK WAYNE SIMONTON, defendant		MAGISTRATE'S CASE NO. <b>08-1447M</b>	
Complaint for violation of Title 18, United States Code § 2251		FILED CLERK, U.S. DISTRICT COURT <b>JUN 19 2008</b>	
NAME OF MAGISTRATE JUDGE HON. JEFFREY W. JOHNSON		UNITED STATES MAGISTRATE JUDGE Los Angeles, CA	
DATE OF OFFENSE June 2008	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN)	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:  Between in or about June 2006 and continuing through in or about August 2006, in Los Angeles County, within the Central District of California, and elsewhere, defendant PATRICK WAYNE SIMONTON knowingly attempted to employ, induce, entice, and coerce a minor, namely LK, a 15-year-old girl, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction was intended to be transported in interstate and foreign commerce; was produced using materials that had been mailed, shipped, and transported in interstate or foreign commerce; and was transported in interstate or foreign commerce.			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: (See attached affidavit which is incorporated as part of this Complaint)			
MATERIAL WITNESSES IN RELATION TO THIS CHARGE:			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT Cristy Taltavull <i>C. Taltavull</i>	
		OFFICIAL TITLE Special Agent -FEDERAL BUREAU OF INVESTIGATION	
Sworn to before me and subscribed in my presence,			
SIGNATURE OF MAGISTRATE JUDGE (1) <i>Jeffrey W. Johnson</i>		DATE <b>19</b> June <b>19</b> , 2008	

**AFFIDAVIT**

I, Cristy Taltavull, being duly sworn, do hereby depose and state:

**I. INTRODUCTION**

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and have been so employed for over three years. I am currently assigned to the Lancaster Resident Agency and investigate, among other things the sexual exploitation of children and child pornography in the Central District of California. During my tenure as a SA, I have conducted and participated in numerous investigations of criminal activity and have executed and participated in the execution of arrest and search warrants.

**II. PURPOSE OF AFFIDAVIT**

2. This affidavit is made in support of a criminal complaint and arrest warrant charging PATRICK WAYNE SIMONTON with violating Title 18, United States Code, Section 2251 (attempted production of child pornography).

3. The statements contained in this affidavit are based upon my training and experience, information provided to me by other investigators on the SAFE Team, other law enforcement officers, and witnesses as part of this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested criminal complaint and does not purport

to set forth all my knowledge of, or investigation into, this matter.

#### IV. BRIEF SUMMARY

4. SIMONTON met 13-year-old girl "LK" over the Internet. Over the course of their relationship, LK sent SIMONTON four nude photographs of herself, including one photograph where she appears to be masturbating. However, in 2006, when LK was 15 years old, SIMONTON began demanding that LK send him more graphic child pornography images and videos of herself. He also demanded that LK perform sexually in front of a web cam. SIMONTON told LK that if she refused, he would post her nude pictures on the Internet and would also send them to her friends and family.

#### V. PROBABLE CAUSE

A. SIMONTON Threatened to Distribute Child Pornography Featuring LK If She Did Not Perform Sexually For Him On Video And Webcam

5. In 2006, SIMONTON was 21 years old, and living in Valencia, California. LK was 15 years old, and living in Minnesota. Between late July and early August, 2006, LK was interviewed several times by Detective Frank Kohl, and others, of the Albert Lea, Minnesota. I have read reports regarding those interviews, and learned the following:

a. LK met SIMONTON on the Internet in a teen chat room in approximately 2004 or 2005. She told SIMONTON that she was 14 years old at the time.

b. When LK was 14 years old, SIMONTON convinced her to send several partially nude photographs of herself. I have reviewed these photographs. Three depict only her breasts and/or buttocks, but one depicts LK lying naked on the floor, displaying her full body, with her hand touching between her legs, as if she is masturbating.

c. After LK sent SIMONTON these photographs, he wanted her to send more pictures, including photographs of her friends without clothes, and "doing stuff," like kissing and touching each other. She did not do this.

d. In approximately December 2005 or January 2006, SIMONTON took over LK's MSN account, and locked her out of it. By assuming LK's on-line identity, he persuaded a teenage friend of LK's, "MH," to send naked photographs of herself to SIMONTON.

e. SIMONTON sent naked photographs of LK to LK's brother, TK.

f. In 2006, when LK was 15 years old, SIMONTON began to get more demanding. In late June or early July, 2006, he again took over her MSN account and blocked her out. He began calling her on the telephone and threatening her. SIMONTON demanded that LK manufacture and send him sexually explicit images of herself and herself with her friends, via both video, and webcam. If she did not, he threatened, he would post her nude pictures to everyone on her MSN buddy list, which is over 100 people,

including her high school classmates. He described explicit sex acts that she needed to do, including sexual intercourse with a guy, and giving the guy a blowjob. SIMONTON wanted LK to learn how to give him a blowjob. She was told that she needed to have sex without a condom because SIMONTON wanted to see her pregnant. She eventually got her MSN password back, and her brother TK changed the password.

g. When SIMONTON found out that the MSN password had been changed, he got very angry, and threatened to post her pictures on the Internet. He instructed LK that she had to be on the webcam every day for over two months, "flashing and masturbating" herself.

h. SIMONTON told LK she could "do less time" on the webcam if she would get another teenage girl to do sexual things with her. He specified particular things that he wanted LK to do with another girl, such as "eat each other," "do sixty-nine," "finger each other," and "use toys on each other, even up the butt."

i. SIMONTON threatened LK that he would come to Minnesota, and "watch her, that she wouldn't know when he was watching her, and that he would make her life miserable."

6. I have reviewed emails between SIMONTON and LK, obtained with a federal search warrant on SIMONTON's email accounts "noraininca@hotmail.com" and "hijodelaplaya69@

hotmail.com." In these emails, SIMONTON tells LK "everything will be fine once you do what u own me ... whatever i get ur gonna do what uve owed me then, after that, u can either like me or not ..." He also says "i get whats owed to me from you if u cant do that then im sorry theres gonna be consequences cause im really tired of that happening....so you need to call me you have till tomorrow ..."

7. On July 28, 2006, Detective Kohl interviewed LK's brother, TK. I have reviewed reports of that interview, and learned that in approximately May or June, 2006, TK was on MSN Messenger and saw photographs of LK attached to her MSN Messneger page. In both photographs, LK was totally nude. TK was able to regain control of LK's MSN account and change the password so that SIMONTON no longer had access to the account.

**B. Recorded Conversation Between SIMONTON and LK**

8. On July 31 2006, LK participated in a consensually recorded a telephone call with SIMONTON. I have read the transcript of that recorded call. That conversation included the following:

a. SIMONTON demanded that LK perform specific sexual acts with another teenage girl, including "eating each other out," "doing sixty-nine," "fingering each other," and "using toys." SIMONTON specified that he wanted them to use the toys "in their butts."

b. During the conversation, LK reminded SIMONTON that she and her friend were only 15 years old, and SIMONTON said that he knew.

c. LK offered to take a videotape of the sexual activity he demanded, instead of sending it via webcam. SIMONTON insisted that this was not enough, that it would not completely take care of the "time" she "owed" him, which he believed was 2-3 months of sexual performance on the webcam.

d. SIMONTON demanded that LK do something for him that night, via webcam, and that he wasn't going to wait for the video to arrive. He threatened that if she did not comply, he would put LK's photographs on the Internet.

e. SIMONTON also threatened that if she did not follow his instructions, he would come to Minnesota to watch/follow her, and to "make her life miserable."

C. Posing as LK, SIMONTON Obtained Topless Photographs from Another Teenage Girl

9. As set forth above, LK stated that SIMONTON had obtained nude photographs of her friend, MH, by taking over LK's MSN account. On July 27, 2006, MH was interviewed by Detective Kohl. She was a teenage friend of LK. MH admitted sending one, possibly two, topless photographs of herself to someone she thought was LK. She later found out that LK had been locked out of her MSN account, and that SIMONTON was using LK's account.

D. SIMONTON Used Threats to Attempt to Obtain Nude Photographs from Other Teenage Girls

10. On December 4, 2006, KC was interviewed. She is a teenage friend of LK's. According to the report of interview, KC spoke with SIMONTON on the phone at LK's house. SIMONTON tried to get her to send him naked pictures of herself. She said that he was "very pushy" about wanting pictures. KC also said that SIMONTON had contacted her via the Internet more than once, and was "very persistent" about getting naked pictures of her, but she never sent any.

11. I have reviewed a report regarding a 3-page chatroom session between SIMONTON and RL. In 2006, RL was fifteen years old. This chat was provided to Detective Kohl by RL. In that chat, SIMONTON tells RL that he has "certain pictures" of LK "that she wont want sent to all her classmates" "so she needs to get a hold of me." On December 4, 2006, RL was interviewed. In 2006, she was 15 years old. RL said that she knew SIMONTON and had met him on the Internet through LK. SIMONTON told RL that he had naked pictures of LK and that he was going to send those pictures to LK's mom and brother. RL said that every time she was on MSN Messnger with SIMONTON, he would put LK's naked pictures on his display picture. SIMONTON always asked RL for pictures of herself with her shirt off, and threatened to send LK's pictures to everyone in school if RL didn't send him pictures of herself.



D. SIMONTON Distributed LK's Photographs to Her Friends and Family and to an Undercover Detective

12. As stated above, SIMONTON posted the pictures of LK for her brother, TK, and her friend, RL, to see. In addition, SIMONTON sent the pictures to LK's teenage friends CN and TW. He also sent the pictures to an undercover officer he believed was a teenager in LK's high school.

13. CN was interviewed on August 16, 2006. He is a teenage friend of LK. According to the report of interview, which I have reviewed, SIMONTON contacted CN via the Internet. He introduced himself as "Patrick" and sent him nude pictures of LK. CN said that one of the photographs showed LK naked, lying on the floor, with an arched back and her knees up. The other showed her nude, in a sitting position, with her legs crossed. He said that he had more pictures of LK and if LK would talk to LK and have her call him, he would send LK additional pictures he could download. SIMONTON also told CN that if LK did not call him, he would send out the photographs of LK to all of her friends in school.

14. TW was interviewed on December 4, 2006. According to the report of interview, which I have reviewed, SIMONTON contacted her via the Internet through LK's internet account. She quickly realized, however, that she was not speaking with LK. SIMONTON told TW that he had some pictures of LK where she wasn't clothed, and then he posted them on the messenger board so she could see them. She remembered at least three pictures where LK

was nude, or at least topless. She recalled the picture of LK lying on the floor. SIMONTON told her that he was angry with LK, and that he was going to send the naked pictures to LK's brother and her mother, to get back at her. He also convinced TW to send him a picture of herself naked; he told her that if he sent the picture, he would not distribute the naked pictures of LK. TW took a picture of her nude buttocks, and sent it to him. SIMONTON told TW that she needed to send more, or he would send out her picture.

15. Further, in August 2006, SIMONTON contacted a person he believed was a 16-year-old girl Kaeli who went to the same high school as LK. In fact, Kaeli was the undercover on-line persona of Detective Frank Kohl, in Minnesota. I have reviewed these conversations, as well as the reports about them from Detective Kohl. The conversation on August 20, 2006, included the following:

a. During a conversation on August 20, 2006, SIMONTON asked Kaeli "do u know [LK]? Do u know if she has a bf? wanna see her naked?"

b. He told Kaeli that LK "sucks my dick a lot ... she's really easy..."

c. He told Kaeli that he was going to give LK's nude pictures to her whole school. He said "She's a whore she deserves it."

d. SIMONTON sent Kaeli two nude pictures of LK.

E. SIMONTON Confessed to Blackmailing LK Into Taking Child Pornography and to Sending LK's Nude Pictures to Her Friends and Family

16. On August 29, 2006, a federal search warrant was conducted on SIMONTON's home. During that search, SIMONTON agreed to be interviewed. Among other things, SIMONTON admitted the following:

a. SIMONTON met LK on the Internet approximately a year and a half before, and that they had been in a relationship.

b. SIMONTON knew LK was only 15 years old at the time of the interview.

c. In the summer of 2006, SIMONTON believed that LK had "cheated" on him, and had become angry. He had told LK that if she did not send him sexually explicit videos and webcam, he would send her nude pictures to her friends and family.

d. SIMONTON listened to the recorded conversation between he and LK, agreed that it was him on the recording and that it accurately recorded a conversation he had had with LK.

e. SIMONTON admitted that he had sent the four nude pictures of LK to LK's brother, and her friends TW, CN and Kaeli (the undercover officer).

f. SIMONTON reviewed the Internet conversation he had with "Kaeli", during which he sent Kaeli LK's nude photographs, and agreed that this was him on the chat log.

g. SIMONTON took control of LK's hotmail email account, because she gave him her password, and then he changed the security questions so that she could not gain access to her email account. Posing as LK, he contacted LK's friend MH and got her to send him 2-3 naked photographs of herself. SIMONTON then threatened to send MH's pictures out to her friends if she did not get LK to contact him.

h. SIMONTON handwrote an apology letter to LK. Among other things, SIMONTON admitted in the letter that he knew she was only 15 years old.

i. SIMONTON said that he kept some the photographs of LK and other teenagers in his email account because he used the family computer. Some pictures, however, were found on that computer.

**F. In SIMONTON's Email Account, He Had Other Child Pornography, Including Images Depicting Another Teenager He Had Met Online**

17. In his interview, Simonton admitted that he had also solicited nude pictures from another minor, AE, who was then approximately 15 or 16 years old and living in St. Paul, Minnesota.

18. I have reviewed the emails in SIMONTON's email account. In addition to conversing with LK, I found a number of emails from AE. She sent him numerous nude photographs of herself, including closeup shots of her genitals.

19. AE's face is in a number of these photographs and she is clearly identifiable.

20. I have read a report of interview of AE, from September 15, 2006. She said that she met SIMONTON online when she was in seventh or eight grade. She says that she does not specifically recall sending the naked pictures of herself to SIMONTON, but she said that she does not doubt that she sent them.

21. In addition, I have reviewed other email from SIMONTON's email account. He possessed a number of nude images of girls who appear to be under 18, including images of them displaying their genitals.

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**X. CONCLUSION**

22. Based on the facts set forth herein, and based on my training, education, experience, and participation in this investigation, there is probable cause to believe that between June and July 2006 PATRICK WAYNE SIMONTON violated Title 18, United States Code, Section 2251(attempted production of child pornography) .



CRISTY TALTAVULL  
Special Agent  
Federal Bureau of Investigation

SUBSCRIBED TO AND SWORN BEFORE ME.  
THIS 19<sup>th</sup> DAY OF JUNE 2008



UNITED STATES MAGISTRATE JUDGE